

# DECLARATION AND POWER OF ATTORNEY

(For Use with Application Data Sheet)

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☒ The attached application, or  
☐ Application No.       , filed on       ,  
       as amended on        (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable;

I/we hereby appoint the practitioners at **CROWELL & MORING L.L.P.**, whose Customer Number is:



23911

PATENT TRADEMARK OFFICE

as my/our attorneys to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith; and

All statements made herein of my/our own knowledge are true; all statements made herein on information and belief are believed to be true, and further these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME(S) of INVENTOR(S)

Signature: [Signature]  
Inventor one: **ABROSIMOV, Igor Anatolievich**  
Citizen of: Russia

Date: 18 February 2002

Signature: [Signature]  
Inventor two: **DEAS, Alexander, Roger**  
Citizen of: United Kingdom

Date: 18 February 2002

Signature: [Signature]  
Inventor three: **FAULDS, Gordon, John**  
Citizen of: United Kingdom

Date: 18 February 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



In re the Application or Patent of:

**ABROSIMOV, Igor Anatolievich; DEAS, Alexander, Roger; FAULDS, Gordon, John**

Serial or Patent No.

Filed or Issued:

For: **"MEANS AND METHOD OF DATA ENCODING AND COMMUNICATION AT RATES ABOVE THE CHANNEL BANDWIDTH"**

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS (SMALL BUSINESS CONCERN)**

We hereby declare that we are:

- ☐ the owner of the small business concern identified below:  
☒ officials of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: **ACUID CORPORATION LTD.**

ADDRESS OF CONCERN: **1 Le Marchant St., St. Peter Port, Guernsey  
C.I., GY1 4HP, GUERNSEY, BRITISH ISLES**

hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12 and in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons.

Definitions: For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

We hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled, by inventor(s) described in

☒ the specification filed herewith

☐ Application Serial No. filed on

☐ Patent No. issued

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9 (d), or a non-profit organization under 37 CFR 1.9(e).

*\*NOTE Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.278).*

NAME:

ADDRESS:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

We acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b)).

We hereby declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this verified statement is directed.

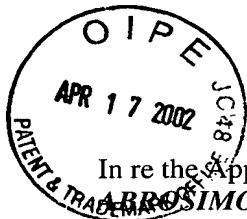
Name of Person Signing: **DEAS, Alexander Roger**

Title of Person (if other than owner): **President**

Address of Person Signing: **King's Gate House, Dalkeith Palace, Dalkeith, EDINBURGH, EH22 1ST, UK**

Signature: (Signature)

Date: **18 February 2002**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application or Patent of:

**ABROSIMOV, Igor Anatolievich; DEAS, Alexander, Roger; FAULDS, Gordon**

Serial or Patent No.

Filed or Issued:

For: **"MEANS AND METHOD OF DATA ENCODING AND  
COMMUNICATION AT RATES ABOVE THE CHANNEL BANDWIDTH"**

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS (INDEPENDENT INVENTOR)**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled as described in:

- ☒ the specification filed herewith
- ☐ application Serial No. filed
- ☐ Patent No. issued

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37CFR 1.9(c.) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention is listed below:

- ☐ no such person, concern, or organization
- ☒ persons, concerns or organizations listed below\*

\* Note: Separate verified statements are required from each named parson, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full name: **ACUID CORPORATION LTD.**

Address: **1 Le Marchant St., St. Peter Port, Guernsey, C.I., GY1 4HP  
Guernsey, BRITISH ISLES**

☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b)).

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Inventor: **ABROSIMOV, Igor Anatolievich**

Date: **18 February 2002**

Name of Inventor: **DEAS, Alexander, Roger**

Date: **18 February 2002**

Name of Inventor: **FAULDS, Gordon, John**

Date: **18 February 2002**